



**City of Trinity, North Carolina
Planning & Zoning Board Meeting Minutes
April 25, 2016 - 6:00 p.m.**

Members Present: Vice Chair, Richard McNabb; **Board members** Harold Hobbs, Hunter Hayworth, and Martha Stunda.

Members Absent: Chair, Lynn Kennedy.

Others Present: Planning and Zoning Director, Marc Allred; Mayor, Jesse Hill; City Manager, Debbie Hinson; Assistant City Clerk, Annette De Ruyter; Assistant City Clerk; and other interested parties.

I. Call to Order

Vice-Chair McNabb called the meeting to order at 6:00 pm.

a) Pledge of Allegiance

Vice-Chair McNabb led the Pledge of Allegiance.

b) Invocation

Vice Chair McNabb gave the invocation.

c) Welcome Guests and Visitors

Vice-Chair McNabb opened the meeting and welcomed all visitors.

II. Approve and/or Amend Agenda

Vice-Chair McNabb called for a motion to amend or approve the agenda. *Board member Stunda motioned to approve the agenda as written. Board member Hobbs seconded the motion. The motion was approved unanimously with a vote of 4 ayes and 0 nays with board member Kennedy absent.*

III. Approve and/or Amend Minutes from March 28, 2016

Vice-Chair McNabb called for a motion to amend or approve the March 28, 2016 minutes. *Board member Stunda motioned to approve the minutes as written. Board member Hobbs seconded the motion. The motion was approved unanimously with a vote of 4 ayes and 0 nays with board member Kennedy absent.*

IV. Public Hearing

Item 1. Remove Conditions From PIN # 6797109121, East of Little Uwharrie River, Zoned RM-CZ.

Vice-Chair McNabb opened this item and called on Marc Allred, Planning Director for the staff report.

Mr. Allred began his presentation by reminding the public that the Planning Board is a recommendation board and this issue will come in front of City Council on May 9th at 6:00 PM this location.

This request is to remove and add conditions to PIN # 6797109121 as described above. The property is zoned RM-CZ.

Mr. Allred reviewed the history of the property in an effort to describe what brings about this request.

The current zoning for this property was asked for by K Hovanian Homes and it included the entire parcel which includes North Steeplegate Subdivision. K Hovanian would eventually leave the property as is due to the condition levied on it that made the property unbuildable. Property west of Little Uwharrie River was rezoned to R-20-CZ in 2007 which is why you see that property now illustrated on the map with a light green color. In May of 2012, the property owner attempted to rezone to R-12 but was denied. Therefore, the zoning went back to the 2006 zoning decision.

In December of 2012, the NC Supreme Court made a decision that NCDOT cannot add a condition on a permit to a property owner that requires approval from another property owner. This essentially gives another property owner veto power over another person's property, which has also happened here. One of the conditions placed on this property is that the only access to this property be allowed off of Welborn Rd only. The only way that condition can be met is to go through the property that is currently owned by the BP Station. This gives the BP property owner 'veto' power over the property owners driveway permit who wishes to utilize the property.

In the December/January timeframe, staff found the condition on the property and brought it to the attention of the City Council during its February Retreat. At that point, our attorney advised Council this condition needed to be removed. The attorney needed some time to look over the other conditions which is why there was delay from the Retreat until today. The City of Trinity has no authority over providing driveway permits on State Maintained Roads such as Finch Farm Rd.

Mr. Allred continued his review discussing the property descriptions. The surrounding Land Use is commercial to the north, residential to the east, and south, and vacant to the west.

The current Land Use for these parcels is Mixed Use. This makes the zoning of RM-CZ **(residential mixed with conditions)** compliant with the Land Use Plan. The current conditions are as follows:

- #1) The main entrance to the subdivision will be aligned with Welborn Rd (SR 1556) and the existing traffic light.

- #2) A twenty foot vegetated buffer will be required along the southern lots that adjoin the Steeplegate Subdivision. RM zoning requires a vegetative buffer where existing single-family residential exists. There is a 30-ft sewer easement in this location which means **this condition is no longer needed.**
- #3) Lots adjoining the Steeple Gate Subdivision will have a minimum lot size of 20,000 sq. /ft.
- #4) To create active open/recreation space. A walking trail will be constructed around the pond.
- #5) The maximum number of units shall be 153 single-family units and 57 multi-family units. **This condition is no longer viable as the original plans consisted of what is now North Steeplegate.**
- #6) No apartments shall be allowed.

Sewer is on the south side of the property. Property is located 500 feet from the I-85 interchange, it is off of Finch Farm Rd (Minor Arterial). The traffic count is 11,000 Average Daily Traffic. This section is in the Transportation Improvement Program for construction to start in 2020. Any improvements to Finch Farm Rd required by NCDOT for the developer will be done during the subdivision process.

Staff Recommendation: **The staff is recommending removing current conditions and add the condition that any new development cannot connect to Steeplegate Subdivision and no apartments be allowed.**

Vice Chair McNabb asked for verification that this did not include anything on the backside of Steeplegate North. Mr. Allred confirmed that was correct.

Board member Stunda wanted to know what the conditions were when they tried to rezone this property from the original RM-CZ classification. Mr. Allred explained the request was for R-12 and there would be no conditions. The City did not approve the request because they did not want to remove the condition of access coming across from Welborn Rd. At the time, this was before the NC Supreme Court decision.

Board member Stunda asked the following questions:

- **What will happen if the property owner cannot get an easement?**

Mr. Allred replied if NCDOT denies the permit, then this property will remain vacant.

- **Is there is a problem with wetlands?**

Mr. Allred replied that the way he read the minutes there was some concern with the watershed. I don't think that was the main reason why no one ever built there. It was a concern of the board at the time, but not the main decision for not allowing it.

Richard McNabb Vice-Chair where the sewer buffer is located because you cannot build on a sewer easement.

Mr. Allred replied it was 30 feet. It's also very likely that in 2006, they didn't have that buffer, so the buffer condition made sense at the time.

Board Member Stunda asked if 20,000 sq. ft. was the condition.

Mr. Allred replied that lots adjoin Steeplegate Subdivision will have a minimum square footage of 20,000 square feet and the other lots would have been 12,000 square feet.

Board Member Stunda would like to know if having one subdivision that is 20,000 square feet and another 12,000 square feet not look different and would it not be a crowded situation verses an open situation. She asked why not make all lots 20,000 square feet.

Mr. Allred replied that it was up to this board to decide what they would like to forward to Council.

Richard McNabb Vice-Chair didn't feel this was something that needed to be addressed until someone figures out how to get into the property.

Board member Stunda discussed her feelings regarding the long-term looks of having one side R-20 and the remainder R-12. She felt that scenario doesn't keep with Steeplegate.

Richard McNabb Vice-Chair replied that he thought what we should be worrying about right now is getting the road restriction removed so the property can be used for its best use. Road improvement is on the TIP for 2020. In three years the road will be improved anyway.

Speaking for the Request: None.

Speaking Against the Request:

Danny Phillips, 7191 Hunters Club Dr., Would like to thank the mayor and committee members allowing us to voice our opinions. I am just one, but I represent 275 homes through the Steeplegate HOA. I know the developer had a vision. The vision was to use the stop light to come in and out using Welborn Rd. It didn't work out and the only option is Finch Farm Rd. I know many of you don't come down Finch Farm Rd from 7:30 AM to 8:00 AM. It's a challenge to take a left from the Steeplegate entrance. To me, having a subdivision is unthinkable. They took the time and liberty to show and describe photos. It's a safety concern. We had a wreck here 7 or 8 years ago. Wheatmore High School has really added a lot of traffic. This is ok when going with traffic, but going against is a real problem. I just want you to be concerned for the safety of people taking a left-hand turn out of this property.

Randle Lawrence, corner of Finch Farm and Saddle Club, This can be a dangerous drive during certain parts of the day. I agree that they not come through Steeplegate and I'm happy with that condition.

Gloria Couse, 6934 Briarwood Dr, I moved here because there was not a lot of traffic. A 16 year old is not experienced enough to drive this road. If you cannot get an entrance from BP, then the land should remain vacant. Unfortunately, I understand we need more tax base, but this is not the property.

Steve Green, 7162 Hunters Club Dr, We did not discuss property west of Little Uwharrie zoned R-30. We talked about a condition that RM-CZ will not come into Steeplegate and wanted to make sure that this condition remained regarding vacant properties adjacent to Steeplegate. Mr. Allred replied that the entire piece is considered Steeplegate. All the properties up in North Steeplegate are zoned the same way. Mr. Green asked, if the vacant property will not be a part of Steeplegate, but that homes will be built like English Pride Dr.

Mr. Allred replied that when he sees a subdivision without a T-Turn or a round-a-bout that is a key clue that the road was meant to continue on and that it is a part of North Steeplegate.

Bobby Hill, 7018 English Pride Dr, I'm on the north side of Steeplegate. I would like to thank you for having us here. Thank you for giving us more information and having the condition that no one from RM-CZ property can access Steeplegate and I'm happy to hear about NCDOT working on Finch Farm Rd.

Dawn Hines, 7078 Chapsworth Dr. Ms. Hines stated that she would like to see conditions stay as they are. There is a lot of water back there that should be protected. If you go past I-85, there is a whole lot of land to build on. Every time it rains, pond runs over and river over runs its banks.

Ron Mason, 5419 Finch Farm Rd, I'm facing the property we are talking about. I'm trying to figure out why we are expanding Finch Farm Rd. NCDOT will take our property.

Vice-Chair McNabb responded to Mr. Mason stating that this is an NCDOT issue and there is nothing the City of Trinity can do about it.

Barry Lawrence, 3736 Steeplegate Dr, Mr. Lawrence asked if NCDOT could override the City of Trinity's condition?

Mr. Allred, replied no, since Steeplegate roads are city maintained roads and the City of Trinity has control over that.

Mr. Lawrence was happy that Steeplegate is not going to be the solution for this property to exit.

With no one else speaking, Vice Chair McNabb closed the Public Hearing and advised members that the Planning Director had given the staff recommendation earlier.

Board member McNabb called for a motion to remove road conditions and add 2 conditions of no connection to Steeplegate or North Steeplegate Subdivision and no apartments. Board member Hobbs made a motion to remove road conditions and add 2 conditions of no connection to Steeplegate or North Steeplegate Subdivision and no apartments. The motion was seconded by board member Stunda. The motion and second was approved unanimously with a vote of 4 ayes and 0 nays with board member Kennedy absent.

V. Business from Staff

1. Code Enforcement Report (Planning Director Allred):

Planning Director Allred reviewed the Code Enforcement Report. He went into more depth and detail concerning the active property on Merle Drive and Uwharrie Rd. (Attachment A)

2. Permits Report (Planning Director Allred)

Planning Director Allred reviewed the Permits report. (Attachment B)

VI. Comments from Staff

Assistant City Clerk, Annette DeRuyter confirmed that April 28, 29 and 30, 2016 are the set dates for City Haul. The event this year will include free paper shredding to all Randolph County residents. The Paper Shred event is being offered from 1pm to 4pm on Friday, April 29, 2016 only.

VII. Comments from Board

There were no comments from the Board.

VIII. Planning & Zoning Board Adjournment

With no other business to discuss, *Board member Stunda made a motion to adjourn the April 25, 2016 Planning/Zoning Meeting at 7:00 p.m. The motion was seconded by Board member Hobbs, and approved unanimously by a vote of 4 ayes and 0 nays with Board member Kennedy absent.*